

**MINUTES  
URBAN COUNTY PLANNING COMMISSION  
SUBDIVISION ITEMS**

**October 10, 2013**

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present - Mike Owens, Chair; Eunice Beatty; Patrick Brewer; David Drake; Carolyn Plumlee; Carla Blanton and Frank Penn. Will Berkley; Mike Cravens; Karen Mundy and Bill Wilson was absent.

Planning staff members present - Chris King, Director; Bill Sallee; Barbara Rackers; Tom Martin; David Jarman; Kelly Hunter; Cheryl Gallt and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Jeff Neal, Division of Traffic Engineering; Tim Queary, Department of Environmental Quality and Mike Sanner, Department of Law.

- II. **APPROVAL OF MINUTES** – The Chair reminded the Commission members that the minutes of the August 22, 2013 and September 26, 2013, meetings were previously emailed to the Commission for their review and if there were no changes, those minutes were ready to be considered at that time.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer and carried 7-0 (Berkley, Cravens, Mundy and Wilson absent) to approve the minutes of the August 22, 2013 and September 26, 2013, meetings.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal were considered at this time.

- a. PLAN 2013-110F: MAPLELEAF SUBDIVISION, UNIT 1 (AMD) (12/2/13)\* - located at 3140-3150 Mapleleaf Drive. (Council District 7) **(Palmer Engineering)**

Note: The purpose of this amendment is to subdivide one lot into five lots.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding several conflicts with the proposed property lines and the approved development plan.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Correct plan title to read: "Amended Final Record Plat."
10. Addition of name and address of property owner and developer.
11. Clarify that Lot 9 is not a part of this plat (with dashed lines).
12. Remove building information on adjacent property.
13. Label lots in numerical order (consistent with plan notes).
14. Addition of purpose of amendment note.
15. Addition of notes from previous plat.
16. Addition of street cross-sections from previous plat.
17. Addition of site statistics such as zoning, acres, number of lots, etc.
18. Remove "zoning requirement" note.
19. Discuss building wall conflicts with proposed property lines.

Representation – Greg Isaacs, Palmer Engineering, was present representing the applicant, and requested postponement of PLAN 2013-110F: MAPLELEAF SUBDIVISION, UNIT 1 (AMD) to the October 24, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Penn, seconded by Ms. Plumlee and carried 7-0 (Berkley, Cravens, Mundy and Wilson absent) to postpone PLAN 2013-110F: MAPLELEAF SUBDIVISION, UNIT 1 (AMD) to the October 24, 2013, Planning Commission meeting.

- b. PLAN 2013-108F: GRIFFTOWN, LLC PROPERTY (12/2/13)\* - located at 128-132 York Street. **(Randy Martin)**  
(Council District 1)

The Subdivision Committee Recommended: **Postponement**. There are questions on compliance with Article 4-5(a) of the Zoning Ordinance governing non-conforming lots.

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\* - Denotes date by which Commission must either approve or disapprove request.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Discuss whether there are separately billed utilities for these dwellings.
9. Discuss possible need for a zone change.

Staff Comments – Mr. Martin said that the staff had received a written request from the applicant requesting postponement of PLAN 2013-108F: GRIFFTOWN, LLC PROPERTY to the October 24, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Penn and carried 7-0 (Berkley, Cravens, Mundy and Wilson absent) to postpone PLAN 2013-108F: GRIFFTOWN, LLC PROPERTY to the October 24, 2013, Planning Commission meeting.

- c. DP 2013-74: GLEN CREEK (DOVE CREEK) (AMD) (11/3/13)\* - located at 1145 & 1156 Appian Crossing Way.  
(Council District 8) **(Rob Sims)**

Note: The Planning Commission postponed this plan at their September 12, 2013, meeting. The purpose of this amendment is to delete townhouses and add four apartment buildings.

The Subdivision Committee Recommended: Postponement. There are concerns with the proposed circulation and access, given the substandard condition of Jones Trail.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of name and address of developer in title block.
13. Denote record plat designation.
14. Dimension proposed driveway/access point to Jones Trail.
15. Dimension proposed walkways.
16. Addition of street cross-section for Jones Trail.
17. Dimension apartment buildings and clubhouse.
18. Denote height of new buildings in feet.
19. Complete site statistics for buildable and floor area.
20. Remove from chart "areas of individual lots" that are being deleted from plan.
21. Delete miscellaneous lot information.
22. Delete note #13 (redundant).
23. Resolve timing of water line easement release to remove conflict with proposed building.
24. Delete Unit 3 typical townhouse information.
25. Discuss improvements to Jones Trail.
26. Discuss note #16.
27. Discuss possible need for a tree preservation area along Jones Trail.
28. Discuss continued use of pedestrian/emergency vehicle access as a vehicular access by area residents.
29. Discuss landscape buffer adjacent to parking and compactor along northern property line.
30. Discuss apartment access proposed through townhouse (H.O.A.) access easements.

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Staff Comments – Mr. Martin said that the staff had received a written request from the applicant requesting postponement of DP 2013-74: GLEN CREEK (DOVE CREEK) (AMD) to the November 14, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Ms. Plumlee and carried 7-0 (Berkley, Cravens, Mundy and Wilson absent) to postpone DP 2013-74: GLEN CREEK (DOVE CREEK) (AMD) to the November 14, 2013, Planning Commission meeting.

- d. DP 2013-80: ELLERSLIE PLACE, LOTS 2 & 2A (MIDLAND CROSSING) (AMD) (11/26/13)\* - located at 222 Midland Avenue and 225 Walton Avenue. (Council District 3) **(Milestone Design Group, Inc.)**

Note: The Planning Commission postponed this plan at their September 12, 2013, meeting. The purpose of this amendment is to revise the site for proposed apartments on Lot 2 and the combination of apartments vs. commercial on Lot 2A.

The Subdivision Committee Recommended: Postponement. There were questions regarding the notification of the nearby neighborhood associations and compliance with Art. 28-6 of the Zoning Ordinance.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Correct plan title to read "Ellerslie Place, Lots 2 & 2A (Midland Crossing) (AMD)".
10. Addition of record plat designation.
11. Denote cross-sections for new street/access easements.
12. Dimension proposed townhouse buildings.
13. Denote width of parking spaces.
14. Denote number of bedrooms per unit.
15. Revise note #14.
16. Correct garage parking in site statistics (56 vs. 65).
17. Review by Technical Committee prior to plan certification.
18. Discuss proposed building on Lot 2A conflict with 15' and 25' easements.
19. Discuss status of preliminary subdivision plan and required information under the Land Subdivision Regulations.
20. Discuss compliance with Art. 28-6 provisions.
21. Discuss whether access easements/streets are to be public or private.
22. Discuss timing of new mixed-use building versus new townhouse development.

Staff Comments – Mr. Martin said that the staff had received a written request from the applicant requesting postponement of DP 2013-80: ELLERSLIE PLACE, LOTS 2 & 2A (MIDLAND CROSSING) (AMD) to the October 24, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Beatty and carried 7-0 (Berkley, Cravens, Mundy and Wilson absent) to postpone DP 2013-80: ELLERSLIE PLACE, LOTS 2 & 2A (MIDLAND CROSSING) (AMD) to the October 24, 2013, Planning Commission meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 3, 2013, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Carolyn Plumlee, Frank Penn, Eunice Beatty and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman, Kelly Hunter and Denice Bullock, as well as Lieutenant Greg Lengal, Division of Fire & Emergency Services and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

#### General Notes

*The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.*

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.

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2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

**A. CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
  - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
  - (3) no discussion of the item is desired by the Commission; and
  - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
  - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
  - (2) from the Planning Commission,
  - (3) from the audience, and
  - (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

- a. PLAN 2013-109F: CHEVY CHASE PLACE (12/2/13)\* - located at 866 E. High Street.  
(Council District 3) **(Endris Engineering)**

Note: The purpose of this plat is to subdivide one lot into five lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree protection area(s) and required street tree information.
  6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
  7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
  8. Revise "20' front setback" to read "20' building line."
  9. Revise proposed Lot 1 to match the approved Final Development Plan.
  10. Denote the extent of the final development plan control on the proposed lots.
  11. Resolve the dedication of right-of-way to the approval of the Kentucky Transportation Cabinet.
- b. PLAN 2013-116F: THOROUGHbred PROPERTIES, LLC (AMD) (12/24/13)\* - located at 904 North Broadway.  
(Council District 1) **(Palmer Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote as a "Final Record Plat" in title block.
10. Denote site statistics, including zoning, street frontage and acreage.
11. Denote address for Lot 1.
12. Add cross-section for North Broadway.
13. Correct LFUCG engineer's certification.
14. Denote adjoining property zoning on plan.
15. Denote written scale.
16. Correct engineer's & surveyor's certification.
17. Addition of access easement maintenance responsibilities.

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18. Remove building from plan.
19. Review by Technical Committee prior to plan certification.

- c. DP 2013-78: ARNOLD PROPERTIES, LLC (AMD) (12/2/13)\* - located at 1171 Appian Crossing Way.  
(Council District 8) **(Trinity Engineering)**

Note: The purpose of this amendment is to change the parking and circulation locations, and to alter the location of the construction access.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree preservation plan.
  6. Department of Environmental Quality's approval of environmentally sensitive areas.
  7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
  8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
  9. Division of Waste Management's approval of refuse collection locations.
  10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
  11. Addition of record plat designation.
  12. Addition of street frontage in site statistics.
  13. Denote height of all buildings in feet.
  14. Addition of building lines per record plat(s).
  15. Addition of all existing utility easements (per plats).
  16. Relocate sidewalk along northern access easement to be adjacent to the building, maintaining a 6' landscape buffer.
- d. DP 2013-82: WIGGINS & COMPANY (AMD) (12/2/13)\* - located at 2510 Nicholasville Road.  
(Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to modify the building and parking layout on one Lot.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Addition of record plat designation.
11. Clarify vicinity map to location of amendment.
12. Denote 50' building line/service road easement per plat (N-139) on plan.
13. Correct numbering on notes.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission or the audience to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Penn, seconded by Mr. Brewer and carried 7-0 (Berkley, Cravens, Mundy and Wilson absent) to conditionally approve the items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)

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- Citizen Comments
  - (a) proponents (10 minute maximum OR 3 minutes each)
  - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
  - (a) petitioner's comments (5 minute maximum)
  - (b) citizen objectors (5 minute maximum)
  - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

**Note:** Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

## 1. **FINAL SUBDIVISION PLANS**

- a. PLAN 2013-115F: JOSEPH G. DODGE FARM – TRACT 2-B (LANE ALLEN SHOPPING CENTER – TURFLAND MALL) (AMD) (12/24/13)\* - located at 2001 Harrodsburg Road.  
(Council District 11) (Endris Engineering)

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote reciprocal access.
10. Kentucky Transportation Cabinet approval of proposed access to Harrodsburg Road.
11. Revise "20' front setback" to read: "20' building line."
12. Review by Technical Committee prior to plan certification.
13. Resolve location of proposed Lane Allen access and possible access easement.
14. Denote improvements to Lane Allen Road.
15. Discuss the need for an improvement plan per Article 4-3 of the Land Subdivision Regulations.

Staff Presentation – Directing the Commission's attention to a rendering of this plan, Mr. Martin presented the final record plat for PLAN 2013-115F: JOSEPH G. DODGE FARM – TRACT 2-B (LANE ALLEN SHOPPING CENTER – TURFLAND MALL) (AMD), and oriented them to the location of the subject property. He noted that the subject property is located at the corner of Harrodsburg Road and Lane Allen Road, which is directly across US 68 from a CVS Drug Store, and the recently approved development plan for the former Springs Inn property. He then said that behind the subject property is the Turfland Mall property, where Home Depot is located.

Mr. Martin said that the purpose of this amendment is to subdivide one lot into two lots. He noted that there is a full median in the center of Lane Allen Road, and the applicant is requesting to have a right-in and right-out along this road, which is not typical on a final record plat. He added that the applicant is also proposing a private access easement that will run off Lane Allen Road between Lots 1 and 2 and behind Lot 1, connecting with Harrodsburg Road. He said that the applicant has requested to maintain the access on Harrodsburg Road as a full access to the property, but they want to restrict that egress to a right-out only.

Mr. Martin said that the Subdivision Committee had recommended approval of the applicant's plat, subject to the conditions listed on today's agenda. He then said that since the October 3<sup>rd</sup> Subdivision Committee meeting, the applicant had submitted a revised plat to the staff that addressed some of issues discussed last week by the Committee. Based on this revised plan, the staff can now recommend approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.

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8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote reciprocal access.
10. Kentucky Transportation Cabinet approval of proposed access to Harrodsburg Road.
11. Revise "20' front setback" to read: "20' building line."
12. Review by Technical Committee prior to plan certification.
- ~~13. Resolve location of proposed Lane Allen access and possible access easement.~~
- ~~14. Denote improvements to Lane Allen Road.~~
- ~~15. Discuss the need for an improvement plan per Article 4-3 of the Land Subdivision Regulations.~~
13. Provided the Planning Commission grants a waiver to Article 6-8(q)(3) of the Land Subdivision Regulations.

Mr. Martin briefly explained the new list of conditions, and said that conditions #1 through #8 are the standard sign-off requirements from the different divisions of the LFUCG; and the remaining conditions are "clean-up" items. He then said that, during the staff's review, it was determined that this request will require a waiver to Article 6-8(q)(3) of the Land Subdivision Regulations for the proposed right-in/right-out access on Lane Allen Road. He noted that the Land Subdivision Regulations regulate access by land use, but it does not distinguish between the types of access, whether it is full or right-in or right-out. Harrodsburg Road is considered a major arterial road, while Lane Allen Road is classified as a minor arterial road, and the minimum distance required between accesses is 400 feet. He said that the proposed access on Lane Allen Road is approximately 285' from the existing access at Home Depot, and the existing access on Harrodsburg Road is approximately 300' from the intersection. Mr. Martin said that the Planning Commission had granted not waivers for the CVS property; but those accesses were reviewed and approved on that development plan, whereas this request is a final record plat. He then said that the applicant has agreed to provide frontage improvements along Lane Allen Road and Harrodsburg Road, which will include turn lanes on Lane Allen Road and Harrodsburg Road, sidewalks, curb and gutter, as well as lane striping on Harrodsburg Road. He said that all of these improvements are anticipated to be constructed in conjunction with the development of Lot 1. In total, these improvements will insure that the requested waiver will not negatively impact public safety.

Mr. Martin said that the staff is recommending approval of the waiver for additional access to Lane Allen Road, for the following reasons:

1. Not granting the waiver would constitute an exceptional hardship for the applicant due the potential for the existing access points to be altered or removed without the approval of the owners of the subject property.
2. Granting the waiver will not negatively impact public health and safety, as the applicant will construct street improvements along their entire frontage, consistent with the intent of the Land Subdivision Regulations.

This recommendation is subject to the following recommendation:

- a. Denote: In conjunction with the development of Lot 1, the frontage improvements will be constructed to the approval of the Division of Traffic Engineering and the Kentucky Department of Highways, prior to the issuance of an occupancy permit.

Mr. Martin directed the Commission's attention to the applicant site plan exhibit, and explained that Walgreens is planning to relocate to the front (Lot 1), but the use for Lot 2 is unknown at this time. He then said that there are several access points into Turfland Mall. Those accesses are on the Turfland Mall development plan, and this request is not part of that development plan. The applicant has provided a note on their plat, stating that they intend to develop this property as it is being presented to the Commission today; and should any changes on this proposed development exceeds those allowed as a minor amendment under Art. 21 of the Zoning Ordinance, it will be brought back to the Planning Commission for their consideration.

Mr. Martin said that, since there has never been a development plan on this property, it will follow the building permit process, which is why the staff felt it was important to tie the timing of the frontage improvements to the development of Lot 1.

Planning Commission Questions – Mr. Penn said that each of these accesses is less than 400' from the intersection, and asked if people traveling down Harrodsburg Road will be able to turn left into the site. Mr. Martin replied affirmatively, and said that the northbound traffic will be able to turn left into the subject site from Harrodsburg Road. Mr. Penn then asked if that access is closer than 400' from the Lane Allen Road and Harrodsburg Road intersection. Mr. Martin replied affirmatively, and said that it is an existing access point, and the waiver is for the spacing on Lane Allen Road.

Ms. Beatty asked what the distance is between the intersection and the main entrance into Turfland Mall. Mr. Martin said that he believes it is over 400'.

Ms. Beatty then asked if the Planning Commission will review a development plan for Lots 1 and 2. Mr. Martin replied that that would not necessarily be the case, and explained that there is not currently a development plan for this property. He said that the applicant has agreed to place a note on the final record plat that states that, should they alter the development from what is being presented today, beyond the scope of a minor amendment under the Zoning Ordinance, then they will, in fact, bring a final development plan back in front of the Commission for their consideration.

Ms. Beatty asked, with regards to the location of the building frontage, if it makes a difference with whatever else could develop on the Turfland Mall property. Mr. Martin said that he does not believe it would make a difference with how the buildings are fronting. He then said that the staff had spoken to the applicant about obtaining the frontage improvements with this request; and hopefully, in the future, there will be other opportunities to improve the area as other properties are developed.

Ms. Beatty asked where the dumpster would be located on this site. Mr. Martin said that the applicant will need to go through the Review Board process before a permit is issued to ensure that the development functions appropriately.

Mr. Penn asked if, now that the CVS Drug Store is developed and the Springs property has been approved for development, if a development plan will be submitted for Walgreens because the direction it faces does have an effect on the look and function of that corner. Mr. Martin said that if a development plan is submitted, the staff would then evaluate that proposal, and present that request to the Commission for their consideration. Mr. Penn said that the applicant does not need to submit a development for this request. Mr. Martin said that if the applicant significantly changes the scope of the proposed development, as presented, then the Commission would see a development plan on this property.

Representation – John Napora, Endris Engineering, was present, representing the applicant. He said that they are in agreement with the staff's revised recommendations and requested approval.

Planning Commission Questions – Mr. Penn said that Walgreens is planning to move to the corner lot, and asked which direction it will front. Michael Ricky, the developer of the project, said that Walgreens will be oriented toward the intersection of Lane Allen Road and Harrodsburg Road. He then said that the dumpster location will be internal to Turfland Mall, facing Home Depot, rather than facing Lane Allen Road or Harrodsburg Road. Mr. Penn noted that it would be similar to CVS Drug Store. Mr. Ricky said that they are in agreement with the staff's revised recommendations and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Question – Ms. Plumlee asked, as other developments are requested, if those developments will be allowed to have a left turn, as well. Mr. Martin said that the properties to the south are on the Turfland Mall development plan; and should other proposals be requested, they would be reviewed as an amendment to the Turfland Mall development plan, and would utilize the existing internal and external access points. He then said that that applicant could always request the Commission to grant an additional access point; but, due to spacing, it would be problematic.

Action - A motion was made by Mr. Brewer, seconded by Ms. Beatty and carried 7-0 (Berkley, Cravens, Mundy and Wilson absent) to approve PLAN 2013-115F: JOSEPH G. DODGE FARM – TRACT 2-B (LANE ALLEN SHOPPING CENTER – TURFLAND MALL) (AMD), subject to the revised conditions, including granting the waiver, as presented by the staff.

## 2. DEVELOPMENT PLAN

- a. DP 2013-83: BELLEAU WOODS SHOPPING CENTER (TATES CREEK SHOPPING CENTRE) (LOT 5) (AMD)  
(12/2/13)\* - located at 4161 Bates Creek Centre Drive. (Council District 4) **(Endris Engineering)**

Note: The purpose of this amendment is to reconfigure the buildable area and vehicular access for Lot 5.

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations (on Lot 5).
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Dimension building, including the height, in feet.
11. Denote one-way traffic circulation on face of plan.
12. Clarify elevations of topographical lines on Lot 5.
13. Denote tree protection area at west end of property, adjacent to Lot 2.
14. Correct owner's certification ("textual").
15. Clarify dimensions of Lot 5 detail.

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\* - Denotes date by which Commission must either approve or disapprove request.



16. Denote changes to Lot 2 from previously approved development plan.
17. Correct note #10 to match approved DP 2012-92.
18. Correct TPA note for Lot 5 to state Lot 2 (per DP 2012-92).
19. Denote need for pedestrian improvements along Tates Creek Centre Drive.
20. Discuss TPA for Lot 5 floodplain area.

Staff Presentation – Directing the Commission's attention to a rendering of this plan, Mr. Jarman presented the amended development plan for DP 2013-83: BELLEAU WOODS SHOPPING CENTER (TATES CREEK SHOPPING CENTRE) (LOT 5) (AMD) and oriented them to the location of the subject property. He noted that the subject property is located on Man O' War Boulevard, near its intersection with Tates Creek Road. He explained that Lot 5, in the shopping center, is the old Pizza Hut restaurant that has since been abandoned. He said that the purpose of this plan amendment is to reconfigure the buildable area and vehicular access for this property for a new restaurant.

Mr. Jarman said that the Subdivision Committee had recommended approval of the applicant's request, subject to the conditions listed on today's agenda. He then said that the staff received a revised submission for this plan on October 7<sup>th</sup>, which addressed several conditions identified last week by the Subdivision Committee. However, due to one discussion item remaining, this request needs consideration by the Full Commission. With this plan revision, the staff can now recommend approval, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations (on Lot 5).
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~10. Dimension building, including the height, in feet.~~
- ~~11. Denote one way traffic circulation on face of plan.~~
- ~~12. Clarify elevations of topographical lines on Lot 5.~~
- ~~13. Denote tree protection area at west end of property, adjacent to Lot 2.~~
- ~~14. Correct owner's certification ("textual").~~
10. 15. Clarify dimensions of Denote: "See below" on Lot 5 detail.
- ~~16. Denote changes to Lot 2 from previously approved development plan.~~
- ~~17. Correct note #10 to match approved DP 2012-92.~~
- ~~18. Correct TPA note for Lot 5 to state Lot 2 (per DP 2012-92).~~
- ~~19. Denote need for pedestrian improvements along Tates Creek Centre Drive.~~
- ~~20. Discuss TPA for Lot 5 floodplain area.~~

Mr. Jarman briefly explained the new list of conditions, and said that conditions #1 through #9 are the standard sign-off requirements from the different divisions of the LFUCG; and the remaining condition is a "clean-up" item. He then said that the applicant has identified the tree protection area for Lot 5, as requested; and noted that information on the revised development plan (condition #20).

Representation – John Napora, Endris Engineering, was present, representing the applicant. He said that they are in agreement with the staff's revised recommendations and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Blanton, seconded by Ms. Plumlee and carried 7-0 (Berkley, Cravens, Mundy and Wilson absent) to approve DP 2013-83: BELLEAU WOODS SHOPPING CENTER (TATES CREEK SHOPPING CENTRE) (LOT 5) (AMD), subject to the revised conditions, as presented by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Ms. Beatty, seconded by Ms. Plumlee, and carried 7-0 (Berkley, Cravens, Mundy and Wilson absent) to approve the release and call of bonds as detailed in the memorandum dated October 10, 2013, from Barry Brock, Division of Engineering.

**VI. COMMISSION ITEM** – No such items were presented.

**VII. STAFF ITEMS** – The Chair announced that any item a Staff member would like to present will be heard at this time.

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\* - Denotes date by which Commission must either approve or disapprove request.

- A. **UPCOMING WORK SESSION** – Mr. King reminded the Commission members of the upcoming work session scheduled for October 17, 2013.

VIII. **AUDIENCE ITEMS** – No such items were presented.

IX. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers ..... October 17, 2013  
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) ..... October 30, 2013  
**Zoning Items Public Hearing**, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers ..... **October 24, 2013**  
Work Session, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers ..... October 31, 2013  
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) ..... November 7, 2013  
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... November 7, 2013  
**Subdivision Items Public Meeting**, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers..... **November 14, 2013**

- X. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 2:04 PM.

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Mike Owens, Chair

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Carla Blanton, Secretary